

Message Text

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EXDIS

DEPARTMENT PLEASE PASS SECDEF; DIRNSA WASHDC;
USNMR SHAPE FOR GENERAL HAIG AND POLAD; CINCEUR
FOR GENERAL HUYSER AND POLAD; CINCUSAFE FOR
GENERAL ELLIS AND POLAD; USDOCOSOUTH FOR ADMIRAL
TURNER; CINCUSAREUR FOR GENERAL BLANCHARD AND
POLAD; CINCUSNAVEUR FOR ADMIRAL BAGLEY

E.O. 11652: XGDS-3

TAGS: MARR, MASS, TU

SUBJ: INITIAL COMMENT ON TURKISH DRAFT OF NEW DEFENSE AGREEMENT

REF: A. ANKARA 8009 DTG 280955Z OCT 75

B. ANKARA 8035 DTG 281332Z OCT 75

1. TURKISH DRAFT OF NEW DEFENSE AGREEMENT (REF A), EVEN
BY TURKISH STANDARDS FOR OPENING POSITIONS IN NEGOTIATIONS
OF THIS SORT, IS SINGULARLY AND DISTURBINGLY ONE-SIDED. LITTLE
IF ANY OF THE LANGUAGE OF ITS PRINCIPAL ARTICLES IS
ACCEPTABLE. FOLLOWING ARE MISSION'S INITIAL COMMENTS ON
KEY ARTICLES BEGINNING WITH THOSE WE BELIEVE TO BE MOST
IMPORTANT. CONCLUSIONS ARE CONTAINED IN FINAL PARAGRAPH.

2. ARTICLE II(10) (WHICH PROVIDES FOR ANNUAL COMPENSATION

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FOR LOSSES IN THE PRODUCTIVE YIELD OF LAND OCCUPIED BY BASES AND

FOR "SUPPLEMENTARY DEFENCE EXPENDITURE NECESSITATED BY ADDITIONAL SECURITY RISKS" ARISING OUT OF THE EXISTENCE OF DEFENSE INSTALLATIONS IN TURKEY), WOULD QUITE CLEARLY CHANGE THE VERY NATURE OF OUR DEFENSE RELATIONSHIP. WE QUESTION THE PROPRIETY OF MAKING ANY RISK PAYMENT WHATSOEVER TO A NATO ALLY (LOSSES IN LAND PRODUCTION OBVIOUSLY WOULD ACCOUNT FOR ONLY A TINY PERCENTAGE OF \$1.5 BILLION ANNUAL PRICE TAG TURKS HAVE SET ON OUR CURRENT INSTALLATIONS). IT IS QUITE CLEAR THAT THE GOT HAS NOT RPT NOT PUT A PRICE TAG ON RISKS USG INCURS AS GOT ALLY NOR HAS IT SET VALUE ON PROTECTION THAT CERTAIN OF OUR INSTALLATIONS, SAS SITES IN PARTICULAR, PROVIDE TURKEY. QUESTION AS WE SEE IT IS WHETHER GOT CAN BE PERSUADED TO DROP RISK PAYMENT ALTOGETHER OR WHETHER IT WILL INSIST ON CLOSURE OF SOME OR ALL OF OUR CDI'S IF WE DO NOT PAY SOME SUM BASED ON THIS CRITERIA. (WE DOUBT TURKS HAVE SET RISK PRICE TAG ON NON-CDI INSTALLATIONS SUCH AS COMMUNICATION FACILITIES AND SAS SITES.)

3. THE SECOND PARAGRAPH OF ARTICLE II(10) IS DESIGNED TO GUARANTEE THE GOT ACCESS TO U.S. ARMS. ALTHOUGH WE BELIEVE GOT WILL PROBABLY INSIST ON TYING OUR ACCESS TO CDI'S TO ITS ACCESS TO U.S. ARMS (I.E., ANOTHER CONGRESSIONAL EMBARGO WOULD AUTOMATICALLY ABROGATE ANY AGREEMENT), THE SUBSUMING OF THIS PROVISION UNDER RISK PAYMENT MAKES IT DIFFICULT TO ISOLATE THIS ISSUE FOR MEAINGFUL DISCUSSION. ALSO WE COULD NOT, OF COURSE, GIVE GOT COMPLETE LATITUDE IN DETERMINING WHAT MILITARY EQUIPMENT WOULD BE MADE AVAILABLE TO THEM AS IS SUGGESTED IN THIS PARAGRAPH.

4. ARTICLES II(9), IV AND V GIVE GOT SUSPENSION AND TERMINATION AUTHORITY WHICH WE SUSPECT IS UNPRECEDENTED IN AN AGREEMENT OF THIS SORT. INDEED THE USG WOULD APPEAR TO HAVE NO RECOURSE AGAINST THE GOT TERMINATING THE AGREEMENT IMMEDIATELY UPON ITS UNILATERAL DETERMINATION THAT THE USG HAS NOT LIVED UP TO AGREEMENT PROVISIONS. IN ADDITION, ARTICLE II(9) GREATLY EXPANDS PROVISION OF ARTICLE II 2 OF 1969 DCA BY GIVING GOT AUTHORITY COMPLETELY TO TAKE OVER INSTALLATIONS "WHENEVER IT DEEMS NECESSARY." THE LANGUAGE OF THESE ARTICLES THUS PROVIDE AN EXTREMELY POOR BASE FOR NEGOTIATION OF
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TERMINATION AND AMENDMENT PROVISIONS.

5. ARTICLES II(1), II(3) AND II(4) COULD BE INTERPRETED TO PROVIDE TURKISH COMMANDERS UNACCEPTABLE AUTHORITY OVER U.S. PERSONNEL AND MATERIEL. PROVISIONS OF AGREED MINUTE FOR ARTICLE XIV OF 1969 DCA WHICH STATES THAT COMMANDERS SHALL NOT EXERCISE CONTROL OVER THE PERSONNEL AND EQUIPMENT OF THE OTHER NATIONAL ELEMENT MUST AT A MINIMUM BE RETAINED.

AS REGARDS ARTICLE II(3)(C), WE BELIEVE WE WOULD NOT RPT NOT
WISH TO CEDE DIRECTION OF TECHNICAL OPERATIONS WHICH ARE BEING
PERFORMED IN RESPONSE TO U.S. REQUIREMENTS TO A FOREIGN
GOVERNMENT. THE TECHNICAL ASPECTS INVOLVED REQUIRE A LEVEL OF
COMPETENCE AND EXPERIENCE NOT RPT NOT NOW ADEQUATELY AVAILABLE IN THE
TURKISH MILITARY.

6. THE INTENTION OF PROVISION UNDER ARTICLE II(1) THAT
FAMILY HOUSING AND RELATED SUPPORT AND WELFARE FACILITIES BE
PHYSICALLY SEPARATED FROM TECHNICAL OPERATIONS AREAS IS NOT
ALTOGETHER CLEAR, BUT APPEARS TO BE TO REMOVE RESPONSIBILITY
FOR THESE AREAS FROM THE TURKISH COMMANDERS. THE STIPULATION
THAT THESE AREAS SHALL BE SUBJECT TO LOCAL ADMINISTRATION UNDER
TURKISH LAWS IS, HOWEVER, CLEARLY UNACCEPTABLE AS LOCAL ADMIN-
ISTRATORS HAVE IN PAST DEMONSTRATED IGNORANCE OF AND UNWILLINGNESS
TO UPHOLD U.S. PERSONNEL'S RIGHTS UNDER NATO/SOFA AND OTHER AGREEMENT
S.

7. ARTICLES II(5), II(15), II(16) AND II(18) INCORPORATE MANY OF
THE RESTRICTIONS ON IMPORTATION OF MATERIEL, ON IN-COUNTRY
MOVEMENT OF MATERIEL AND PERSONNEL, AND ON CONSTRUCTION
WHICH WERE ESTABLISHED BY RECENT TGS AND CUSTOMS DIRECTIVES
AND WHICH HAVE GREATLY HAMPERED OUR OPERATIONS. THESE
ARTICLES REMOVE MUCH OF MEANING FROM PROVISION OF
ARTICLE VII OF DRAFT AND ASSURANCES WE HAVE RECEIVED FROM
MFA OFFICIALS THAT PROVISIONAL STATUS" RESTRICTIONS WILL BE
LIFTED UPON ENTRY INTO FORCE OF NEW AGREEMENT.

8. ARTICLE II(6) SEEKS DESIGNED PRIMARILY TO PROHIBIT
THIRD COUNTRY FLIGHTS FROM USING INCIRLIK AIR BASE. THIS IS
AGAIN A PROLONGATION OF A KEY "PROVISIONAL STATUS" RESTRICTION.

9. ARTICLE II(7) MAKES DISTINCTION BETWEEN ROT SQUADRON
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AND SAS UNITS ON THE ONE HAND AND ALL OTHER INSTALLATIONS
ON THE OTHER HAND WHICH WE SHOULD NOT RPT NOT ACCEPT. INFERENCE
IS THAT PERSONNEL NOT RPT NOT FULFILLING "GIVEN NATO
DEFENCE PLANS," WILL NOT RPT NOT BE TREATED AS "GUEST ALLIED
FORCES." ARTICLES II(19 AND II(20) MIGHT ALSO BE INTERPRETED
TO GIVE GOT AUTHORITY TO DEFINE U.S. PERSONNEL ENJOYING NATO/SOFA
PRIVILEGES.

10. THE GOAL OF 50 PERCENT TURKISH MANNING OF INSTALLATIONS
ESTABLISHED IN ARTICLE II(2) IS COMPLETELY UNREALISTIC IN
NEAR TIME FRAME BUT COULD IMPOSE UPON US EXTREMELY HEAVY AND COSTLY
TRAINING PROGRAM. WHILE WE HAVE HERETOFORE BEEN PERMITTED
TO PASS ON QUALIFICATIONS OF TURKISH PERSONNEL, ARTICLES II(2) AND
II(4) PERMIT GOT TO ASSIGN TURKISH PERSONNEL TO THESE INSTALLATIONS
WITHOUT CONSULTATIONS WITH US AND TO PASS ON NUMBERS AND QUALIFICATIO

NS
OF U.S. PERSONNEL.

11. IN SUMMARY, WE BELIEVE THAT TO THE EXTENT POSSIBLE WE SHOULD AVOID
ACCEPTING THE GOT DRAFT AS A WORKING DOCUMENT FOR THE NEGOTIATIONS.
WE RECOMMEND THEREFORE THAT WE NOT RPT NOT ACCEPT SECRETARY
GENERAL ELEKDAG'S SUGGESTION THAT WE SEEK "CLARIFICATION" OF THE
TEXT IN A WORKING LEVEL MEETING. TO DO SO WOULD TEND TO SIGNAL OUR
ACCEPTANCE OF SOME OF IT AS A BASIS FOR NEGOTIATIONS. INSTEAD WE
BELIEVE THAT WE SHOULD PREPARE A COUNTER-DRAFT AND PRESENT THIS TO THE
TURKISH NEGOTIATORS AS SOON AS IT HAS WASHINGTON APPROVAL. (WE SHALL
BE TRANSMITTING OUR RECOMMENDATIONS AS TO THE LANGUAGE OF THIS DRAFT
WITHIN A FEW DAYS TIME.) THIS WILL NOT MEAN THAT OUR NEW DRAFT WILL
BECOME THE BASIC DOCUMENT EITHER-BUT HOPEFULLY WE CAN END UP WORKING
FROM A MIXTURE OF BOTH OF THEM.

12. WHILE THERE IS UNDOUBTEDLY SOME "GIVE" IN THE TURKISH POSITION
PRESENTED TO US TODAY, I THINK IT WOULD BE A MISTAKE TO COUNT ON
THIS BEING VERY MUCH, OR ON THE TURKS' BEING VERY FORTHCOMING RAPIDLY
WITH WHATEVER LIMITED COMPROMISES THEY MAY HAVE IN MIND. THEREFORE,
WHAT WE HAVE EXPERIENCED TODAY IS, I BELIEVE, AN EXTREMELY
WORRISOME BEGINNING TO WHAT WILL CLEARLY BE (HOWEVER IT
TURNS OUT) A NEW ERA IN THE U.S.-TURK RELATIONSHIP. PUTTING
THE SITUATION IN AS FAVORABLE A LIGHT AS WE CAN THIS

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EVENING, I SHOULD SAY WE ARE AT BEST IN FOR A LENGTHY NEGOTIATION OF
UNCERTAIN OUTCOME.

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